

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, February 21, 2012

The Senate met at 2 p.m.
Hon. S. Joseph Simitian, of the 11th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Zachary L. Twilla reading.

QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

ROLL CALL

The roll was called and the following Senators answered to their names:

Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—37.

Quorum present.

(NOTE: Senators Fuller and Lowenthal will be excused this day on personal business and Senator Runner will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

We are taught in the book of Genesis that all of humanity descends from a single person. There are those who say that Holy One did this so that no person could say “my father is greater than your father.” By this, we are taught that we are all brothers and sisters, part of the same human family, with a shared destiny and shared responsibility for one another.

May we be ever mindful of all that binds us, finding compassion in our hearts for all people, and treating each other with dignity and respect. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Price led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 17, 2012

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 104

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 104—Relative to a Day of Remembrance.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, February 21, 2012

Mr. President: The Chair of the Committee on Rules, to which was referred:

SCR 66

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chair

Second Reading of Bills—Author’s Amendments

Senate Concurrent Resolution 66—Relative to California Craft Brewery Month.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

SENATE RULE 55 WAIVED

Without objection, Senate Rule 55 was waived to allow a lobbyist on the floor during a special presentation.



**CONSIDERATION OF DAILY FILE
THIRD READING OF SENATE BILLS**

Senate Resolution 25—Relative to National Engineers Week.
Resolution read third time and presented by Senator Cannella.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (35)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Negrete McLeod, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to personal business: Senators Fuller and Lowenthal.

The following Senator was granted leave of absence for the day due to illness: Senator Runner.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 2:33 p.m., on motion of Senator Steinberg, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Steinberg moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Wednesday, February 22, 2012.

Motion carried.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 1127: By Senator Vargas—An act to add Section 41712.5 to the Health and Safety Code, relating to nonvehicular air pollution.

Senate Bill 1128: By Senator Padilla—An act to amend Section 26011.8 of the Public Resources Code, relating to energy.

Senate Bill 1129: By Senator Berryhill—An act to amend Section 496 of the Penal Code, relating to stolen property.

Senate Bill 1130: By Senator De León—An act to add Division 16.3 (commencing with Section 26200) to the Public Resources Code, relating to energy, and making an appropriation therefor.



Senate Bill 1131: By Senator La Malfa (Principal coauthor: Assembly Member Nielsen)—An act to add Section 9063.9 to the Health and Safety Code, relating to cemeteries.

Senate Bill 1132: By Senator Walters—An act to amend Section 20370 of the Government Code, relating to public employees' retirement.

Senate Bill 1133: By Senator Leno—An act relating to human trafficking.

Senate Bill 1134: By Senator Yee—An act to amend Section 43.92 of the Civil Code, relating to liability.

Senate Bill 1135: By Senator Runner—An act to amend Section 35160 of the Education Code, relating to school district governing boards.

Senate Bill 1136: By Senator Steinberg—An act to amend Sections 21, 4030, 4031, 4032, 4033, 4040, 4050, 4051, 4052, 4060, 4061, 4090, 4091, 4094, 5370.2, 5510, 5513, 5514, 5530, 5585.22, 5601, 5602, 5604, 5610, 5652.7, 5653, 5653.1, 5654, 5655, 5664, 5664.5, 5692, 5701, 5701.1, 5707, 5715, 5717, 5751, 5751.1, 5751.2, 5770, 5770.5, 5771, 5771.3, 5772, 5815, 5840, 5845, 5851.5, 5852.5, 5854, 5855, 5855.5, 5868, 5869, 5878, 5878.3, 5880, 5890, 11325.7, 11462.01, and 18986.40 of, and to add Section 4024.7 to, the Welfare and Institutions Code, relating to health.

Senate Bill 1137: By Senator Huff—An act to amend Section 33195 of the Education Code, relating to heritage schools.

Senate Bill 1138: By Senator Liu—An act to amend Section 66903 of, to add Section 66027.8 to, and to add and repeal Sections 33317.3 and 66903.5 of, the Education Code, relating to educational data.

Senate Bill 1139: By Senator Rubio—An act to amend Section 659 of the Civil Code, to amend Section 51010.5 of the Government Code, to add Section 38575 to the Health and Safety Code, and to add Section 3239 to the Public Resources Code, relating to greenhouse gas.

Senate Bill 1140: By Senator Leno—An act to amend Sections 300, 400, and 420 of the Family Code, relating to marriage.

Senate Bill 1141: By Senator Walters—An act to amend Sections 22870 and 22890 of, and to add Section 7514.6 to, the Government Code, relating to public employee benefits.

Senate Bill 1142: By Senator Walters—An act to add Section 7507.1 to the Government Code, relating to public employee benefits.

Senate Bill 1143: By Senator Walters—An act to add Section 7507.3 to the Government Code, relating to public employee benefits.



Senate Bill 1144: By Senator Strickland—An act to amend Section 1197.2 of the Labor Code, and to amend Sections 19.8 and 1048 of the Penal Code, relating to crimes.

Senate Bill 1145: By Senator Emmerson—An act to amend Sections 597b and 597c of the Penal Code, relating to animal fighting.

Senate Bill 1146: By Senator Pavley (Coauthor: Assembly Member Solorio)—An act to amend Section 13752 of the Water Code, relating to water.

Senate Bill 1147: By Senator Liu—An act to amend Section 17553 of the Government Code, relating to state mandates.

Senate Bill 1148: By Senator Pavley—An act to amend Section 713, 714, 3031, 6596, 6596.1, 7149, and 7149.05 of the Fish and Game Code, and to amend Section 65042 of the Government Code, relating to fish and wildlife resources.

Senate Bill 1149: By Senator DeSaulnier—An act to repeal Section 66508 of the Government Code, relating to the Metropolitan Transportation Commission.

Senate Bill 1150: By Senator Dutton—An act to amend Section 3451 of the Penal Code, relating to prisoners.

Senate Bill 1151: By Senator Steinberg—An act to amend Section 34177 of, and to add Section 34177.1 to, the Health and Safety Code, relating to redevelopment.

Senate Bill 1152: By Senator Wyland—An act to amend Section 5307.1 of the Labor Code, relating to workers' compensation.

Senate Bill 1153: By Senator Calderon—An act to amend Section 69648 of the Education Code, relating to community colleges.

Senate Bill 1154: By Senator Walters—An act to amend Section 60422.1 of the Education Code, relating to instructional materials.

Senate Bill 1155: By Senator Cannella—An act to amend, repeal, and add Section 35401 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Senate Concurrent Resolution 67: By Senator Huff—Relative to Food Allergy Awareness Week.

Senate Resolution 26: By Senator Hancock (Coauthor: Senator Anderson)—Relative to Prescription Drug Abuse Awareness Month.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Fr. Donald McDonnell of San Jose.

Senator Dutton requested that when the Senate adjourns this day it do so in memory of Pfc. John “Jack” Hubbard Williams (USMC) of Claremont.

Senator Negrete McLeod requested that when the Senate adjourns this day it do so in memory of Joe Romero of Pomona and Patricia Green of Rialto.

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Dorothy Maron of Oxnard.

Senator Walters requested that when the Senate adjourns this day it do so in memory of Gary Edmund Carter of Fullerton.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Nadine Elaine Stuhlmuller Salonites of Woodland.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators’ requests until 9 a.m., Wednesday, February 22, 2012.

PAULA K. ROSSETTO, Minute Clerk

O

└